

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re:)	MDL No. 1456
)	Civil Action No. 01-12257-PBS
PHARMACEUTICAL INDUSTRY)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Hon. Patti B. Saris
_____)	

THIS DOCUMENT RELATES TO:

)
)
<i>United States ex rel. Ven-A-Care of the</i>)
<i>Florida Keys, Inc. v. Schering Corporation,</i>)
<i>Schering-Plough Corporation and</i>)
<i>Warrick Pharmaceuticals Corporation</i>)
Civil Action No. 09-CV-10547)
MDL Action No. 1456)
)
<i>United States ex rel. Ven-A-Care of the</i>)
<i>Florida Keys, Inc. v. Schering Corporation,</i>)
<i>Schering-Plough Corporation and</i>)
<i>Warrick Pharmaceuticals Corporation</i>)
Civil Action No. 00-CV-10698)
MDL Action No. 1456)
)
<i>California ex rel. Ven-A-Care of the</i>)
<i>Florida Keys, Inc. v. Schering Corporation,</i>)
<i>Schering-Plough Corporation and</i>)
<i>Warrick Pharmaceuticals Corporation</i>)
Civil Action No. 03-CV-11226)
MDL Action No. 1456)

**SCHERING/WARRICK’S UNOPPOSED MOTION FOR LEAVE TO FILE
OVERLENGTH REPLY BRIEF IN SUPPORT OF MOTION FOR APPROVAL OF THE
SETTLEMENT BETWEEN CALIFORNIA, FLORIDA, AND RELATOR VEN-A-CARE
OF THE FLORIDA KEYS ON BEHALF OF ITSELF AND THE UNITED STATES AND
SCHERING-PLOUGH, SCHERING, AND WARRICK**

Pursuant to LR 7.1(B)(4), Schering-Plough Corporation, Schering Corporation, and Warrick Pharmaceuticals Corporation (collectively “Schering/Warrick”) respectfully request leave to file a twenty-nine (29) page reply brief in support of their Motion for Approval of their

Settlement Agreement and Release (the “Settlement”) between the State of California, the State of Florida, Relator Ven-A-Care of the Florida Keys on behalf of itself and the United States, and Schering/Warrick. This consolidated reply responds to four separate briefs filed in opposition to the Settlement totaling forty-three (43) pages. Rather than reply to each opposition brief through a series of shorter replies, Schering/Warrick endeavored to address the issues raised in all the opposition briefs through a single consolidated, and thus somewhat longer, brief.

Schering/Warrick believe the overlength brief will aid the Court’s understanding of the issues in dispute and sharpen the focus on the factual and legal bases for approving the Settlement.

WHEREFORE, for the reasons set forth above, the Settling Parties respectfully request that this Court grant this motion for leave to file an overlength, twenty-nine (29) page, brief in support of their motion for approval of the Settlement.

Respectfully submitted,

/s/ John P. Bueker
John T. Montgomery
John P. Bueker
Ropes & Gray LLP.
One International Place
Boston, MA 02110-2624
(617) 951-7000

John P. McDonald
Locke Lord Bissell & Liddell
2200 Ross Avenue, Suite 2200
Dallas, TX 75201

Attorneys for Schering Corporation,
Schering-Plough Corporation and
Warrick Pharmaceuticals Corporation

Dated: September 4, 2009

CERTIFICATE OF COMPLIANCE WITH LR 7.1

I hereby certify that counsel for Warrick Pharmaceuticals Corporation conferred with counsel for the United States, counsel for the Commonwealth of Massachusetts, counsel for the City of New York and the Consolidated New York counties, and counsel for the States of Wisconsin, Alaska, Idaho, Illinois Kentucky, and Mississippi on September 4, 2009, in a good faith effort to resolve or narrow the issues set forth herein, and no Objecting Party opposes this motion.

/s/ John P. Bueker
John P. Bueker

C
CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2009, a true copy of the above Motion For Leave To File Overlength Reply Brief in Support of Motion For Approval of the Settlement Between California, Florida, and Relator Ven-A-Care of the Florida Keys on Behalf of Itself and the United States and Schering-Plough, Schering, and Warrick was served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

September 4, 2009

/s/ John P. Bueker
John P. Bueker